

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 11 2007

MANDALAY PROPERTIES HAWAII
LLC, a Hawaii Limited Liability
Company,

Plaintiff - Appellant,

v.

COUNTY OF KAUAI,

Defendant - Appellee.

No. 05-15383

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CV-04-00446-
SOM/LEK
District of Hawaii,
Honolulu

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

ORDER

APR 16 2007

at 11 o'clock and 5 min. M
SUE BEITIA, CLERK

The assessment conference previously scheduled for June 1, 2007, is canceled.

The court is in receipt of appellant's correspondence dated April 4, 2007, requesting voluntary dismissal of this appeal. The court construes appellant's letter as a motion to dismiss. So construed, the motion is granted and this appeal is dismissed. Fed. R. App. P. 42(b). The parties shall bear their own costs on appeal.

A certified copy of this order shall serve as the mandate of this court.

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

APR 11 2007

by: *[Signature]*
Deputy Clerk

FOR THE COURT

[Signature]
David E. Lombardi, Jr.
Chief Circuit Mediator

INTERNAL USE ONLY: Proceedings include all events.
05-15383 Mandalay Properties v. County of Kauai

MANDALAY PROPERTIES HAWAII LLC, Paul Alston
a Hawaii Limited Liability 808/524-1212
Company [COR LD NTC ret]
Plaintiff - Appellant ALSTON HUNT FLOYD & ING
1001 Bishop Street
1800 Pacific Tower
Honolulu, HI 96813

v.

COUNTY OF KAUAI Lani H. Nakazawa, Esq.
Defendant - Appellee 808/241-6315
Suite 220
[COR LD NTC ret]
OFFICE OF THE COUNTY ATTORNEY
4444 Rice Street
Lihue, HI 96766